

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-4 and 18-20 are pending in the application, with claim 1 being the only independent claim. Claims 5-17 have been cancelled without prejudice to or disclaimer of the subject matter therein. New claims 18-20 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Examiner Interview of September 14, 2005***

Applicants wish to thank Examiner Tisha Lewis for taking the time to conduct a telephonic interview on September 14, 2005. During the interview, Applicants' representatives, Tracy Durkin and Anbar Khal, explained the Applicants' claimed invention and suggested differences between the Applicants' invention and the cited reference, which are set out below in Applicants' reply to the rejection of claims 1-3 under 35 U.S.C. §103.

***Claim Objections***

Claim 4 has been objected to as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim, and therefore the Examiner has withdrawn claim 4 from consideration. Claim 4 has been amended to

correct the claim dependencies. Applicants therefore respectfully request the objection be withdrawn and that claim 4 now be considered on the merits.

Claim 3 has been objected to for reciting "claim" when it should recite "claims." Claim 3 has been amended appropriately. Applicants therefore respectfully request the objection be withdrawn.

***Rejections under 35 U.S.C. § 103***

Claims 1-3 have been rejected under 35 U.S.C. §103 as being unpatentable over WO 00/25041 to Hori, *et al.* ("Hori") in view of U.S. Patent No. 4,489,552 to Watanabe *et al.* ("Watanabe"). The Examiner has taken the position that Hori discloses all the elements of claim 1, except for "calculating a difference for a value of the actuator," and that Watanabe discloses the missing element.

Watanabe does not disclose a controller of an actuator that considers *load* applied to a hydraulic transmission; rather Watanabe is concerned with a *neutral point* detection system capable of effecting automatic detection of a hydraulic pump in the neutral point to allow accurate control of the hydraulic pump. (See col. 3, lines 26-31 of the Watanabe patent). The Examiner states that Watanabe discloses a hydraulic system "wherein when a load is not applied (neutral point), a command value ( $Y_0$ ) for the actuator is memorized." Claim 1 recites "a controller of the actuator for memorizing a command current value for the actuator supposing that load is not applied on the hydraulic transmission."<sup>1</sup> Applicants disagree that the language "*supposing that load is not*

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<sup>1</sup> Claim 1 has been amended to add the word "for" for grammatical clarity only and not to affect the scope of the claims.

*applied*" is the same as the "*neutral point*", as indicated by the Examiner. The controller of the present application memorizes a command current value "*supposing that load is not applied on the hydraulic transmission,*" which may occur regardless of whether swash plate 22a is set in its neutral position. (See pages 30-32 and Figure 14 of the application). For example, if a difference exists between a target output rotation speed and an actual output rotation speed of the hydraulic transmission, it may be assumed that the difference is caused by the load applied on the hydraulic transmission, and if a difference does not exist (with any error allowance range), then it may be supposed that load is not applied on the hydraulic transmission and a command current value is memorized. (See page 31 of the application).

In Watanabe, by contrast, a zero compensating value ( $Y_0$ ) is calculated and stored during a *neutral point* detection process and represents a difference between a signal value when the swash plate is actually in the neutral position and the signal value when the swash plate is considered to be in neutral position. (See col. 6, lines 36-39; col. 11, lines 5-11 of the Watanabe patent). Accordingly,  $Y_0$  is memorized during a *neutral point* detection process and is not memorized "*supposing that load is not applied on the hydraulic transmission,*" as claimed.

Moreover, Watanabe does not disclose a controller "for calculating *a value of load* applied on the hydraulic transmission by calculating a difference between an actual command current value for the actuator and the memorized command current value," as recited in claim 1. Rather, in Watanabe, the zero compensating value  $Y_0$  for the swash plate neutral position is deducted from swash plate tilting value  $Y$  to produce a compensated swash plate tilting value  $Y$ . (See col. 6, lines 39-42 of the Watanabe

patent). No "value of load" is calculated. Accordingly, Watanabe does not disclose the missing claim feature absent in Hori, and Applicants respectfully request that the rejection be withdrawn.

Claims 2-4 and 18-20 depend from and add features to claim 1; therefore, these claims are patentable for at least the same reasons as discussed above with respect to claim 1. Applicants therefore respectfully request that the rejection be withdrawn.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully  
requested.

Respectfully submitted,

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